

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION

BRENDA K. MONK,  
(*Violet Ann Monk, child*)

Plaintiff,

v.

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

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Case No. 4:06-CV-00073

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**ORDER**

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By: Jackson L. Kiser

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Senior United States District Judge

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Before me is the *Report and Recommendation* [18] of the United States Magistrate Judge and the Defendant's *Objections to the Magistrate Judge's Report and Recommendation* [19].

For the reasons stated in the accompanying *Memorandum Opinion*, it is hereby **ORDERED** that the Magistrate Judge's *Report and Recommendation* is **ADOPTED** and the Defendant's *Objections* are **OVERRULED**. Having considered matters outside the pleadings, I construe the Commissioner's *Motion to Dismiss* [9] as a motion for summary judgment and hereby **GRANT** that motion. This case will be **DISMISSED** from the docket of this Court.

The Clerk is directed to send certified copies of this *Order* and the accompanying *Memorandum Opinion* to all counsel of record.

Entered this 3<sup>rd</sup> day of July, 2007.

s/Jackson L. Kiser

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Senior United States District Judge